



GAIL FARBER, Director

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS**

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE
REFER TO FILE

September 27, 2016

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

19-D September 27, 2016

LORI GLASGOW
EXECUTIVE OFFICER

**AWARD CONSTRUCTION CONTRACT
WILLOWBROOK AREA ACCESS IMPROVEMENTS
IN THE UNINCORPORATED COMMUNITY OF
WILLOWBROOK
(SUPERVISORIAL DISTRICT 2)
(3 VOTES)**

SUBJECT

This action is to award a construction contract to Excel Paving Company for the Willowbrook Area Access Improvements project and authorize the Director of Public Works or her designee to execute a construction contract for work in the unincorporated community of Willowbrook.

IT IS RECOMMENDED THAT THE BOARD:

1. Award and authorize the Director of Public Works or her designee to execute a construction contract and establish the effective date following receipt of approved Faithful Performance and Labor and Material Bonds and insurance certificate filed by the contractor for Project ID No. RDC0015556 – Willowbrook Area Access Improvements for reconstruction of roadway pavement; construction of curb and gutter, sidewalk, driveways, and curb ramps; landscaping; irrigation system; and signage and streetscape improvements, in the unincorporated community of Willowbrook, to Excel Paving Company, in the amount of \$3,115,318.98.
2. Delegate to the Director of Public Works or her designee the following authority in connection with this contract: (1) approve and execute change orders within the same monetary limits delegated to the Director of Public Works under Section 2.18.050 of the Los Angeles County Code relative to the construction of County buildings, (2) accept the project upon its final completion, and (3) release retention money withheld consistent with the requirements of State Public Contract Code Sections

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to obtain approval of the project from the Board to award this construction contract, authorize the Director of Public Works or her designee to execute the construction contract, and establish the effective contract date following receipt of approved Faithful Performance and Labor and Material Bonds and insurance certificate filed by the contractor for this project.

On May 3, 2016, Agenda Item 40, the Board approved the project; and delegated to the Director the authority to adopt the plans and specifications, call for bids, and award and execute a construction contract at an estimated construction contract cost between \$2,200,000 and \$3,000,000. The low bidder submitted a bid within this range. However, after a review of its bid proposal, the contractor was found to be nonresponsive due to its lack of performing an acceptable good faith effort at meeting the Federal Disadvantaged Business Enterprise participation goal.

The second low bidder did perform an acceptable good faith effort and did meet the Disadvantaged Business Enterprise goal; however, the bid exceeded the range that was delegated to the Director. Therefore, it is necessary to return to the Board for award.

The enclosure includes the project description, the call for bids and bid opening date, a tabulation of bids, and financial information. The certified record of receipt of bids and the original bid proposal are also enclosed for this project.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness/Fiscal Sustainability (Goal 1) and Integrated Services Delivery (Goal 3). Awarding this construction contract will provide improved infrastructure to better serve the public and enhance the quality of life in the affected community.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The construction contract cost of \$3,115,318.98 is included in the Second Supervisorial District's Transportation Improvement Program in the Proposition C Local Return Fund and Measure R Local Return Fund Fiscal Year 2016-17 Budgets.

The enclosure includes the amount of the recommended contract as compared with the engineer's estimate, the other bids received, and more detailed fiscal and financial information.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The contract agreement will be in the form previously reviewed and approved as to form by County Counsel. The recommended contract was solicited on an open-competitive basis and is in accordance with applicable Federal, State, and County requirements. The contractor is in compliance with the Chief Executive Officer's and the Board's requirements.

The contract specifications require the work to be completed in 160 working days. It is anticipated the work will start in October 2016 and be completed in June 2017.

The award of this contract will be in full compliance with Federal, State, and County regulations. This contract contains terms and conditions supporting the Board's ordinances, policies, and programs including, but not limited to: the County of Los Angeles' Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN and GROW), Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; the County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; the County's Defaulted Property Tax Reduction Program, Los Angeles County Code, Chapter 2.206; Local Business Enterprise Preference Program, Los Angeles County Code, Chapter 2.204; and the standard Board-directed clauses that provide for contract termination or renegotiation.

The State Public Contract Code requires the County to award construction contracts to a responsible contractor with the lowest responsive bid, which is defined as the firm that: (1) submits the bid with the lowest cost; (2) is deemed by the County to be responsive to specific criteria under the solicitation including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a responsible bidder by exhibiting the capability, capacity, experience, trustworthiness, and financial wherewithal to perform the work required under the bid solicitation.

To ensure the contract is awarded to a responsible contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractor's State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by each respective contractor was considered before making this recommendation to award.

The plans and specifications include the contractual provisions, methods, and material requirements necessary for this project and are on file with the Department of Public Works.

ENVIRONMENTAL DOCUMENTATION

On April 2, 2013, Agenda Item 34, the Board found this project to be categorically exempt from the provisions of the California Environmental Quality Act.

CONTRACTING PROCESS

The contract was solicited on an open-competitive basis in accordance with the provisions of the State Public Contract Code.

The State Labor Code requires contractors to pay prevailing wage rates to all persons employed on construction contracts. These rates are determined by the Department of Industrial Relations and include contributions for fringe benefits such as vacations, pension funds, training, and health plans

for each employee.

To further increase contractor awareness of contracting opportunities with Public Works, this project was listed on both the County's "Doing Business with Us" and Public Works' "Contract Opportunities" websites for upcoming bids. Public Works also coordinated with the Office of Small Business to maximize outreach.

Public Works will review and approve the Faithful Performance and payment bonds filed by the contractor.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This construction contract will result in improved infrastructure in the community where the work is scheduled.

CONCLUSION

Please return one adopted copy of this letter to the Department of Public Works, Construction Division.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

GF:SRB:lg

Enclosures

c: Chief Executive Office (Rochelle Goff)
County Counsel
Executive Office
Internal Services Department (Countywide
Contract Compliance)